IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 580 OF 2005

M/s. Jerai Fitness Pvt. Ltd. .. Appellants

Vs.

Mrs. Champaben N. Sanghvi and ors. .. Respondents

Mr. A.M. Saraogi for appellants.
Ms. Meena Kshirsagar for Respondent Nos.2,3 and 4.

CORAM: B.H. MARLAPALLE, J.
Date : July 25, 2005.

P.C.:

1. Heard Mr. Saraogi the learned counsel for the appellants. By the impugned order dated 21-4-2005 prayer for ad-interim relief was turned down in the Notice of Motion moved in S.C. Suit No.5552 of 2004. The Notice of Motion was directed to be registered and made returnable on 23-6-2005.

2. As per the appellants Flat Nos.1,2 and 3 located on the ground floor of the building known as "Bhakti Park" is the suit property and the plaintiffs-company owns flat no.3 whereas the other two flats are taken on leave and licence basis from the original owners some time in 1995. The internal

walls of all these flats have been removed and they have been made into one premises so as to run the Health Centre. On 21-4-2005 the learned advocate for the plaintiffs pointed out that there were earlier two motions taken out by the plaintiffs and they were not registered, as per the Roznama. Mr. Saraogi also referred to the report submitted by the Court Commissioner confirming the possession of the plaintiffs of the suit premises. He also referred to the order of status quo passed earlier.

3. Having heard the respective parties it is clear that the pending Motions are required to be decided as per law but within a specific period. As at present it is not known who is in possession and more so because of the complaints and counter complaints made by the respective parties.

4. The appeal is, therefore, disposed off and the trial court is directed to hear and decide the pending Motions on their own merits and as expeditiously as possible but preferably by 31st August, 2005.

(B.H. Marlapalle,J.)